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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,156	08/30/2001	Kenichi Morita	81940.0013	1596

26021 7590 08/24/2005

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,156

Applicant(s)

MORITA ET AL.

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 3-6, 9-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>083001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Due to communications filed 8/30/01, the following is a non-final first office action. Claims 1-14 are pending in this application and have been examined on the merits. Claims 1-14 are rejected as follows.

Claim Objections

2. Claims 3-6, 9-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of :

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to

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promote the "progress of science and the useful art" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claim 1 is directed to a vehicle managing method. Claim 1 recites the steps of "distributing music and/or image through a satellite...", "receiving periodic information on each of the contracted vehicles...", and "transmitting the analysis information...". These steps do produce a tangible result, however they represent mere ideas in the abstract since they do not recite computer software or hardware embedded on a tangible medium for processing the steps of this claim. Since no computer software or hardware embodied on a tangible medium is present in this claim, this claim and all claims that depend from this claim (Claims 3-7 and 9) are therefore found to be non-statutory.

In the present case, claim 2 is directed to a vehicle managing method. Claim 2 recites the steps of "distributing through a satellite information in one category...", "receiving periodic information on each of the contracted vehicles...", and "transmitting the analysis information...". These steps do produce a tangible result, however they represent mere ideas in the abstract since they do not recite computer software or hardware embedded on a tangible medium for processing the steps of this claim. Since no computer software or hardware embodied on a tangible medium is present in this claim, this claim is therefore found to be non-statutory.

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In the present case, claim 8 is directed to a vehicle managing method. Claim 8 recites the steps of "distributing music and/or image through a satellite...", "receiving periodic information on each of the contracted vehicles...", and "transmitting the analysis information...". These steps do produce a tangible result, however they represent mere ideas in the abstract since they do not recite computer software or hardware embedded on a tangible medium for processing the steps of this claim. Since no computer software or hardware embodied on a tangible medium is present in this claim, this claim is therefore found to be non-statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 3, 5, 8, 9, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohmura et al (US 6,738,711).

As per claim 1, Ohmura et al discloses:

distributing music and/or image through a satellite to each of vehicles with which a contract for music distribution and/or image distribution has been made, (col. 5, lines 34-45, contents from information center includes music and map data, w/ col. 5, lines 55-65, displays map information and he like on display device, w/ col. 6, lines 8-12,

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shows use of satellite, w/ abstract, lines 6-8, transmitting map information on a fee-based navigation contract);

receiving periodic information on each of the contracted vehicles therefrom via the satellite and analyzing the received information for each vehicle, (Col. 5, lines 40-45, periodic inspection data displayed on map data, w/ col. 11, lines 49-61, calculates use time and updates use time of navigation system and also the location scales based on the calculation, in this case the analysis is done as a result of updating based on the calculation); and.

transmitting the analysis information to a predetermined recipient, (Col. 11, lines 49-61, shows that after the calculation and updating of use time occurs, the map information of various scales is taken from the map and information database, and entered into the response signal to be sent to the navigation system).

As per claim 2, Ohmura et al discloses:

distributing through a satellite information in one category, or two or more categories, selected from among music, image, navigation, road and traffic, emergency, and new vehicle information categories to each of vehicles with which a contract for music distribution and/or image distribution has been made, (col. 5, lines 34-45, contents from information center includes music and map data, w/ col. 5, lines 55-65, displays map information and he like on display device, w/ col. 6, lines 8-12, shows use of satellite, w/ abstract, lines 6-8, transmitting map information on a fee-based navigation contract, w/col. 6, lines 16-34, navigation contract, music);

receiving periodic information on each of the contracted vehicles therefrom via the satellite and analyzing the received information for each vehicle, (Col. 5, lines 40-45, periodic inspection data displayed on map data, w/ col. 11, lines 49-61, calculates use time and updates use time of navigation system and also the location scales based on the calculation, in this case the analysis is done as a result of updating based on the calculation); and

transmitting the analysis information to a predetermined recipient of the analysis information, (Col. 11, lines 49-61, shows that after the calculation and updating of use time occurs, the map information of various scales is taken from the map and information database, and entered into the response signal to be sent to the navigation system).

As per claim 3, Ohmura et al discloses:

wherein the periodic information is on at least one of the position, speed, direction, and conditions of the vehicle, (Col. 5, lines 37-39 and line 42, one way traffic signs, no right turn, and no left turn signs, these all are included in the direction of the vehicle).

As per claim 5, Ohmura et al discloses:

wherein the recipient of the analysis information is selected from among groups of an insurance company, a road maintenance company, a supervisory agency, a governmental organization, a vehicle management company, a vehicle maintenance company, and a vehicle dealer, (col. 6, lines 20-22, contract through car dealer).

As per claim 8, Ohmura et al discloses:

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distributing music and/or image through a satellite to each of vehicles with which a contract for music distribution and/or image distribution has been made, (col. 5, lines 34-45, contents from information center includes music and map data, w/ col. 5, lines 55-65, displays map information and he like on display device, w/ col. 6, lines 8-12, shows use of satellite, w/ abstract, lines 6-8, transmitting map information on a fee-based navigation contract);

receiving periodic information on each of the contracted vehicles therefrom via the satellite and analyzing the received information transmitting the analysis for each vehicle, (Col. 5, lines 40-45, periodic inspection data displayed on map data, w/ col. 11, lines 49-61, calculates use time and updates use time of navigation system and also the location scales based on the calculation, in this case the analysis is done as a result of updating based on the calculation); and

transmitting the analysis information to a predetermined recipient of the analysis information, (Col. 11, lines 49-61, shows that after the calculation and updating of use time occurs, the map information of various scales is taken from the map and information database, and entered into the response signal to be sent to the navigation system);

wherein the periodic information comprises driving time data and via point data representing geographical points, areas or routes through which the vehicle has traveled, (Col. 11, lines 49-61, use time, location of vehicle).

As per claim 9, Ohmura et al discloses:

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wherein vehicle position information is found and collected by using a satellite after the signal has been transmitted thereto through an antenna provided in a controlled vehicle, (Col. 11, lines 52-57, map information entered into response signal to be sent to navigation system, where an antenna is inherent with Ohmura et al since Ohmura discloses a satellite), and information on a condition of each individual vehicle is collected by transmitting vehicle control information or vehicle parts condition information from the controlled vehicle to the artificial satellite through the antenna provided in the controlled vehicle, (col. 5, lines 42-43, shows vehicle trouble shooting which deals with the conditions of vehicle, therefore conditions are inherent with Ohmura et al, also discloses expendable part reports that are transmitted) and receiving a signal reflected off the artificial satellite or by transmitting the information by way of DSRC (dedicated short range communication) or a mobile communications device including a cellular phone and receiving the transmitted signal, (Col. 5, lines 54-55, shows a receiving device can be a cellular phone).

As per claim 12, Ohmura et al discloses:

wherein information on a condition of each individual vehicle is collected by transmitting vehicle control information or vehicle parts condition information from a controlled vehicle to an artificial satellite through an antenna provided in the controlled vehicle and receiving a signal reflected off the artificial satellite, (col. 5, line 44, expendable parts report).

As per claim 13, Ohmura et al discloses:

wherein information on a condition of each individual vehicle is collected by transmitting vehicle sensor information to an artificial satellite through an antenna provided in a controlled vehicle and receiving a signal reflected off the artificial satellite, and individual vehicle information is collected together with vehicle body information including a vehicle model, and serial number, as well as user information unique to the controlled vehicle separately input, (col. 6, lines 5-15, gps receiver receives radio wave from satellite to detect sensors).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 6, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmura et al (US 6,738,711).

As per claim 4, Ohmura et al does not specifically disclose the following:

wherein emergency information concerning the vehicle is also transmitted in addition to the periodic information transmitted to the satellite from each of the contracted vehicles.

However, this limitation is obvious with Ohmura et al since Ohmura et al discloses troubleshooting in Col. 5, line 42, which determines emergency information as a result of the troubleshooting process.

Official notice is taken that it is old and well known in the vehicle management art to include emergency information concerning the vehicle in the transmission of information to the satellite from each of the contracted vehicles. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include emergency information concerning the vehicle in the transmission of information to the satellite from each of the contracted vehicles with the motivation of identifying the vehicle that may need service.

As per claim 6, Ohmura et al does not specifically discloses the following:

wherein the satellite is a non-geostationary satellite that is in an elliptic orbit.

Official notice is taken that it is old and well known in the satellite transmission art for the satellite to be a non-geostationary satellite that is in an elliptic orbit. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a non-geostationary satellite that is in an elliptic orbit into the method for transmitting the vehicle information with the motivation of using a method of transmission that would allow information to easily be transmitted to and from the vehicle at many different locations.

As per claim 10, Ohmura et al discloses:

wherein vehicle position information is found and collected by using a signal reflected off an artificial satellite after the signal has been transmitted thereto through an antenna provided in a controlled vehicle, information on a condition of each individual vehicle is collected by transmitting vehicle sensor information to the artificial satellite through the antenna provided in the controlled vehicle and receiving a signal reflected

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off the artificial satellite or by transmitting the information by way of DSRC (dedicated short range communication) or mobile communications device including a cellular phone and receiving the transmitted signal, (col. 5, lines 42-43, shows vehicle trouble shooting which deals with the conditions of vehicle, therefore conditions are inherent with Ohmura et al, also discloses expendable part reports that are transmitted, w/ Col. 5, lines 54-55, shows a receiving device can be a cellular phone).

Ohmura et al does not specifically disclose the following:

and individual vehicle information is collected together with a vehicle model, serial number, and other vehicle body information as well as user information unique to the controlled vehicle separately input.

However, this information is obvious with Ohmura et al since it is shown that the driver purchases the vehicle from the car dealer in col. 6, lines 20-22 and when a driver purchases a car, vehicle information and user information are both collected for driver tracking purposes.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for individual vehicle information to be collected together with a vehicle model, serial number, and other vehicle body information as well as user information unique to the controlled vehicle separately input with the motivation of having this information for relating the driver to a specific vehicle.

As per claim 11, Ohmura et al discloses:

wherein vehicle position collected by using a signal reflected off an artificial information is found and satellite after the signal has been transmitted thereto through

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an antenna provided in a controlled vehicle, (Col. 11, lines 52-57, map information entered into response signal to be sent to navigation system, where an antenna is inherent with Ohmura et al since Ohmura discloses a satellite), information on a condition of each individual vehicle is collected by transmitting vehicle control information or vehicle parts condition information from the controlled vehicle to the artificial satellite through the antenna provided in reflected off the artificial satellite or by transmitting the controlled vehicle and receiving a signal the information by way of DSRC (dedicated short range communication) or a communications device including a cellular phone individual vehicle information is collected by transmitting and receiving the transmitted signal, (col. 5, lines 42-43, shows vehicle trouble shooting which deals with the conditions of vehicle, therefore conditions are inherent with Ohmura et al, also discloses expendable part reports that are transmitted, Col. 5, lines 54-55, shows a receiving device can be a cellular phone), and vehicle condition information extracted from a diagnostics system mounted in the controlled vehicle, based on a command issued by the diagnostics system to transmit diagnostics results information, from the controlled vehicle to the artificial satellite and receiving a signal reflected therefrom, (Col. 5, line 43, included in vehicle trouble shooting), together with vehicle body information including a vehicle model, serial number, as well as user information unique to the controlled vehicle separately input.

Ohmura et al does not specifically disclose the following:

together with vehicle body information including vehicle model, serial number, as well as user information unique to the controlled vehicle separately input.

However, this information is obvious with Ohmura et al since it is shown that the driver purchases the vehicle from the car dealer in col. 6, lines 20-22 and when a driver purchases a car, vehicle information and user information are both collected for driver tracking purposes.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for individual vehicle information to be collected together with vehicle body information including vehicle model, serial number, as well as user information unique to the controlled vehicle separately input with the motivation of having this information for relating the driver to a specific vehicle.

9. Claims 7, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmura et al (US 6,738,711), and further in view of Machii et al (US 6,324,467).

As per claim 7, Ohmura et al discloses:

wherein the information transmitted from the vehicle at a periodic interval is stored in a storage medium, (col. 5, lines 43-44, stored content information is displayed and stored in the host computer in the content database).

Ohmura et al fails to disclose that data is stored at an interval shorter than the periodic interval and the stored information is transmitted in a batch at the periodic interval, but does disclose storage of data in the content database as discussed above.

However, Machii et al discloses:

data is stored at an interval shorter than the periodic interval and the stored information is transmitted in a batch at the periodic interval, (Col. 14, lines 25-28, data received as batch data and lines 31-38, shows the transmission of map as batch data).

Machii et al discloses this limitation in an analogous art for the purpose of showing that data can be sent and received by batch.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to store data at an interval shorter than the periodic interval so this information can be transmitted in a batch with the motivation of displaying more than one data item at a time.

As per claim 14, Ohmura et al discloses:

wherein information on a condition of each individual vehicle is collected by transmitting vehicle control information and vehicle parts condition information from a controlled vehicle to an artificial satellite through an antenna provided in the controlled vehicle and receiving a signal reflected off the artificial satellite and by transmitting vehicle condition information extracted from a diagnostics system mounted in the controlled vehicle, based on a command issued by the diagnostics system to transmit diagnostics results information from the controlled vehicle to the artificial satellite and receiving a signal reflected therefrom, together with vehicle body information including a vehicle model and serial number, as well as user information unique to the controlled vehicle separately input. To provide a vehicle overall interactive managing method by allowing vehicle information to be provided for an information requiring organization, (Col. 11, lines 52-57, map information entered into response signal to be sent to navigation system, where an antenna is inherent with Ohmura et al since Ohmura discloses a satellite, (col. 5, lines 42-43, shows vehicle trouble shooting which deals with the conditions of vehicle, therefore conditions are inherent with Ohmura et al, also

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discloses expendable part reports that are transmitted, also troubleshooting involves diagnostics, Col. 5, lines 54-55, shows a receiving device can be a cellular phone);

Ohmura et al fails to disclose the following however, does disclose providing a vehicle user with image...information in col. 5, lines 55-65 where it shows that map information is displayed on a display device.

However, Machii et al discloses:

providing a vehicle user with sound...information, (Col. 5, lines 28-33, audio output unit). Machii et al discloses this limitation in an analogous art for the purpose of showing that audio information can be transmitted to and heard inside of a vehicle.

Conclusion

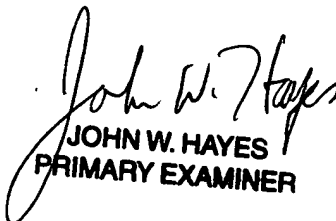
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
August 18, 2005


JOHN W. HAYES
PRIMARY EXAMINER